



General Assembly

**Substitute Bill No. 5308**

February Session, 2014



**AN ACT CONCERNING THE REGULATION OF FRACKING WASTE  
AND FRACKING BY-PRODUCTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this  
2 section:

3 (1) "Dispose" means the discharge, deposit, injection, dumping,  
4 spilling, leaking or placing of any waste into or on any land or water so  
5 that such waste, or any constituent of such waste, may enter the  
6 environment, be emitted into the air or discharged into any waters of  
7 the state;

8 (2) "Fluid" means any material or substance that flows or moves  
9 whether in semisolid, liquid, sludge, gas or any other form or state;

10 (3) "Gas" means all natural gas, whether hydrocarbon or  
11 nonhydrocarbon, including hydrogen sulfide, helium, carbon dioxide,  
12 nitrogen, hydrogen, casing head gas and all other fluid hydrocarbons  
13 not defined as oil pursuant to this section;

14 (4) "Hydraulic fracturing" means the process of pumping a fluid into  
15 or under the surface of the ground in order to create fractures in rock  
16 for exploration, development, production or recovery of oil or gas.  
17 "Hydraulic fracturing" does not include the drilling of a geothermal

18 water well or any other well drilled for drinking water purposes;

19 (5) "Oil" means crude petroleum, oil and all hydrocarbons,  
20 regardless of specific gravity, that are in the liquid phase in the  
21 reservoir and are produced at the wellhead in liquid form;

22 (6) "Radioactive materials" means any material, solid, liquid or gas,  
23 including, but not limited to, waste that emits ionizing radiation  
24 spontaneously;

25 (7) "Store" means holding waste for a temporary period, at the end  
26 of which the waste is treated, disposed of or stored elsewhere;

27 (8) "Transfer" means to transfer from one vehicle to another or from  
28 one mode of transportation to another;

29 (9) "Treat" means any method, technique or process designed to  
30 change the physical, chemical or biological character or composition of  
31 any waste, including, but not limited to, the reclaiming or rendering of  
32 waste from hydraulic fracturing as suitable for use or reuse; and

33 (10) "Waste from hydraulic fracturing" means any wastewater,  
34 wastewater solids, brine, sludge, drill cuttings or any other substance  
35 generated secondarily to the purpose of hydraulic fracturing.

36 (b) No person may store, treat, transfer or dispose of waste from  
37 hydraulic fracturing, including, but not limited to, the discharge of  
38 wastewaters into or from a pollution abatement facility, until the  
39 Commissioner of Energy and Environmental Protection adopts  
40 regulations, in accordance with the provisions of chapter 54 of the  
41 general statutes, to: (1) Eliminate the exemption in the state's  
42 hazardous waste management regulations, adopted pursuant to  
43 subsection (c) of section 22a-449 of the general statutes, for any wastes  
44 identified in 40 CFR 261.4(b)(5) and to provide that such wastes shall  
45 be subject to the state's hazardous waste management regulations, as  
46 set forth in sections 22a-449(c)-100 to 22a-449(c)-119, inclusive, and  
47 section 22a-449(c)-11 of the regulations of Connecticut state agencies;

48 and (2) ensure that any radioactive materials that may be present in  
 49 wastes from hydraulic fracturing do not create a source of pollution to  
 50 the air, land or waters of the state and do not otherwise pose a threat to  
 51 the human health or the environment of this state. The commissioner  
 52 shall publish notice of intent to adopt the regulations that are required  
 53 by this subsection not later than two years after the effective date of  
 54 this section.

55 (c) No person may sell, offer for sale, offer, barter, manufacture,  
 56 distribute or use any product that is derived from or that contains  
 57 waste from hydraulic fracturing until the regulations that are required  
 58 pursuant to subsection (b) of this section are adopted.

59 (d) Notwithstanding the provisions of subsection (b) of this section,  
 60 the Commissioner of Energy and Environmental Protection may issue  
 61 a permit to allow a person to treat not more than one thousand gallons  
 62 of waste from hydraulic fracturing. The commissioner shall prescribe  
 63 the conditions and requirements for issuance of such permit,  
 64 including, but not limited to, any requisite fee for issuance of such  
 65 permit.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	New section
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**ENV**      *Joint Favorable Subst.*